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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/003,812	01/07/1998	SATOSHI BAN	041-1987	9498

7590

01/29/2004

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 01/29/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/003,812

Applicant(s)

BAN ET AL.

Examiner

Laura A Grier

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 8 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

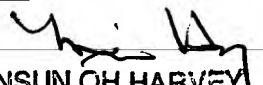
Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

  
MINSUN OH HARVEY  
PRIMARY EXAMINER

Continuation of 5. Other: In regards the applicant arguments that the prior office action (Final Rejection) did not address the amended claim language, the examiner maintains that the prior art of record and the office action defended and/or disclosed the amended claim language of claim 8: "said electroacoustical transducer connected for receiving an audio signal provided by said first plug". As indicated in the office action, Young's disclosure inherently teaches the connection of a first plug and a second plug connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); a speaker (44) which is indicative of an electroacoustical transducer connected to the first and second plug for receiving an audio signal. And in respect to the applicant's argument of the amended claim language: line 15 of claim 8, regarding the disconnection of the audio signal provided by said first plug from the electroacoustical transducer, Young, III provides teachings of the control box as means for generating a detection signal of the telephone, and for disconnecting the first plug and connecting the first plug (col. 4, lines 39-41, 64-67, and col. 5, lines 1-7).

Further in respect to "the disconnection of the audio signal from the first plug, the applicant indicates that the reference of Poco fails to disclose such a teaching by the fact that Poco only discloses the disconnection of power from the audio circuit. It is obvious that once the power is disconnected for a particular circuit and/or function then there is a disconnection of an audio signal to a plug. Further clarification of the Poco reference as combined with Young, Poco was used to provide for the significance of teaching automatic disconnection between an audio device and a portable communication device being used in the same system.